

**268.160 Election of board -- Qualifications -- Bond -- Officers -- Powers.**

- (1) The county judge/executive shall divide the district into three (3) precincts as nearly equal in area as practicable, following owners' property lines, and immediately upon such division he shall appoint a temporary secretary to act for the district board. The secretary for the board shall record the result of the division of the district into precincts in the drainage record.
- (2) The secretary shall give twenty (20) days' notice by posting three (3) notices in each precinct of the district and by publication pursuant to KRS Chapter 424, informing the owners of the district that they may vote for a drainage commissioner for each precinct and a secretary for the board and the district, within a stated time. The vote shall be taken by the owners filing a written designation of choice, together with the number of acres the voter owns in the district, or if benefits have been confirmed the amount of benefits assessed against the owner's land, with the county judge/executive. Each acre owned and assessed in the district shall count one (1) vote, or if benefits have been confirmed each one hundred dollars (\$100) or fraction thereof in benefits assessed against the voter's land shall count one (1) vote for secretary and drainage commissioner. The votes of the owners, when cast and filed with the county judge/executive, shall be recorded by the secretary of the board in the drainage record immediately after the expiration of the time for casting the vote. Votes shall be filed with the county judge/executive by the first Monday in April for drainage commissioner and for secretary, for a term of one (1) year beginning on the first Monday of May following. If there is a tie vote in any contest the judge of the county where the district has been established shall cast the deciding vote.
- (3) The board shall consist of three (3) members, being the persons who have received the largest number of votes in each of the three (3) precincts. The secretary shall be the party who received the largest number of votes from the district at large for that office. The board shall elect some responsible resident of the district, who is not a member of or secretary to the board, as treasurer. The treasurer shall be paid whatever salary the board deems proper, and shall execute bond as the board directs. One (1) month after the advertised election is completed, or on the first Monday in May if not an advertised election, the elected officers shall take charge of the drainage record and all records, maps, papers and property belonging to the district, except money in the hands of the treasurer.
- (4) No one except an owner of land in the precinct for which he acts shall be eligible for drainage commissioner. Each commissioner shall be a freeholder and over twenty-one (21) years of age. The board shall have control of all improvements in the district, except as otherwise provided. Vacancies in the office of board member or secretary shall be filled by a special election after due advertising. Each drainage commissioner when elected shall execute bond for the faithful performance of his duties in the sum of \$2,500 and shall be sworn to perform the duties of his office to the best of his ability.
- (5) Immediately upon election and qualification, the board shall become a body corporate, under the name and style of the "Board of Drainage Commissioners of .... District," with all the powers of a corporation or as necessary to carry on its work. It

shall use a corporate seal which it may change at pleasure. The board shall elect from among its members a president, and a vice president.

**Effective:** October 1, 1942

**History:** Amended 1966 Ky. Acts ch. 239, sec. 190. -- Amended 1944 Ky. Acts ch. 109, sec. 2. -- Amended 1942 Ky. Acts ch. 189, secs. 1, 2. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2380b-12.